



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jessica Wang  
Application No. : 10/771,841  
Filed : February 4, 2004  
For : STRUCTURE OF FORMATIVE LIGHTING FIXTURES

Art Unit : 2875  
Docket No. : 910149.401C1  
Date : May 14, 2004

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

STATEMENT IN SUPPORT OF PETITION TO MAKE SPECIAL  
ON THE GROUND OF ACTUAL INFRINGEMENT  
(37 CFR §1.102(d) and M.P.E.P. §708.02, PART II.)

Commissioner for Patents:

I, Kevin S. Costanza, am an attorney of record in this application and am registered to practice in the Patent and Trademark Office.

I have carefully reviewed the present application and allege that:

(A) There is an infringing device that is being offered for sale and/or has been sold in the United States to at least one customer located in the United States, and that has been and/or will be imported into the United States;

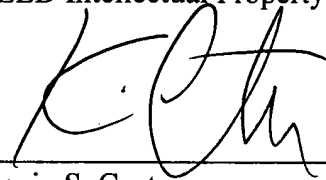
(B) The inventor has seen the accused device, and has informed me that it is identical in construction to the inventor's own device that is the subject of the present application. I have made a rigid comparison of the inventor's device and method with the corresponding claims in the present application, and in my opinion at least one of the claims in the subject application unquestionably reads on the inventor's device and the method of making the same. Accordingly, as the two devices are identical, at least one

claim in the present application unquestionably reads on the accused device (I note that the accused device was being offered for sale/sold in a U.S. customer's domestic showroom under strictly confidential conditions, and the vendors—including the present inventor—were contractually bound not to take photographs of competitors' products, as is apparently standard practice in this particular industry. As such, I was not able to conduct a direct analysis of the accused device under the circumstances; however, the accused device was being offered for sale for delivery and retail sale during this year's Christmas holiday.); and

(C) I have a good knowledge of the pertinent prior art and one copy of each of the references deemed most closely related to the subject matter encompassed by the claims has been made of record.

Respectfully submitted,

SEED Intellectual Property Law Group PLLC

A handwritten signature in black ink, appearing to read 'K. Costanza', is written over a horizontal line.

Kevin S. Costanza  
Registration No. 37,801

KSC:ljs

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PETITION TO MAKE SPECIAL ON THE GROUND OF ACTUAL INFRINGEMENT

(37 C.F.R. § 1.102(d) AND M.P.E.P. § 708.02, PART II.)

Dear Sir or Madam:

Petition is hereby made to the Commissioner for the above-identified application to be made special so that it may be advanced out of turn for examination pursuant to 37 C.F.R. § 1.102(d) and M.P.E.P. § 708.02, Part II., "Infringement."

In accordance with M.P.E.P. § 708.02, Part II, "Infringement," an application may be accorded "special" status if there is actual infringement of the application for invention.

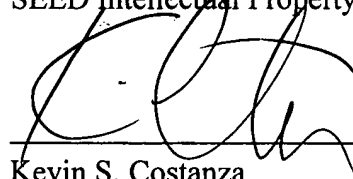
Accompanying this petition is a statement by applicant's attorney meeting the requirements set out at M.P.E.P. 708.02 Part II.

Pursuant to C.F.R. § 1.102(d) and M.P.E.P. § 708.02, Part II, a fee of \$130 is submitted in accordance with 37 C.F.R. § 1.17(h). The Director is authorized to charge any other fees which may be required, or credit any overpayment to Deposit Account No. 19-1090.

In view of the foregoing, it is respectfully requested that this petition to make the present application special be granted.

Respectfully submitted,

SEED Intellectual Property Law Group PLLC

A handwritten signature in black ink, appearing to read 'K. Costanza', is written over a horizontal line.

Kevin S. Costanza

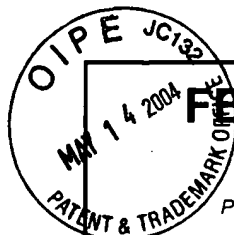
Registration No. 37,801

Enclosure:

Postcard

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# FEE TRANSMITTAL for FY 2004

*Patent fees are subject to annual revision.*

☒ Applicant claims small entity status. See 37 CFR 1.27.

**TOTAL AMOUNT OF PAYMENT (\$)** **643**

## Complete if Known

Application Number	<b>10/771,841</b>
Filing Date	<b>February 4, 2004</b>
First Named Inventor	<b>Jessica Wang</b>
Examiner Name	
Art Unit	<b>2875</b>
Attorney Docket No.	<b>910149.401C1</b>

### METHOD OF PAYMENT

☒ Payment Enclosed:

☒ Check ☐ Credit card ☐ Money Order ☐ Other

☐ Deposit Account:

Deposit Account Number: **19-1090**

Deposit Account Name: **Seed Intellectual Property Law Group PLLC**

The Director is authorized to (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments

☐ Charge any additional fee(s) during the pendency of this application

☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any deficiencies to the above-identified deposit account.

### FEE CALCULATION

#### 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	<b>385</b>
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
<b>SUBTOTAL (1)</b>					<b>(\$ 385)</b>

#### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

		Extra Claims		Fee from below		Fee Paid	
Total Claims	<b>27</b>	-20** =	<b>7</b>	* <b>9</b>	=	<b>63</b>	
Independent Claims	<b>3</b>	-3** =	<b>0</b>	* <b>43</b>	=	<b>0</b>	
Multiple Dependent				<b>145</b>	=	<b>0</b>	

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	86	2201	43	Independent claims in excess of 3	
1203	290	2203	145	Multiple dependent claim, if not paid	
1204	86	2204	43	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	
<b>SUBTOTAL (2)</b>					<b>(\$ 63)</b>

\*\*or number previously paid, if greater; For Reissues, see above

### FEE CALCULATION (continued)

#### 3. ADDITIONAL FEES

Large Entity		Small		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	<b>65</b>
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2520	1812	2520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1840*	1805	1840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1480	2254	740	Extension for reply within fourth month	
1255	2010	2255	1005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1510	1451	1510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1330	2453	665	Petition to revive - unintentional	
1501	1330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	<b>130</b>
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3) (\$ 195)**

### SUBMITTED BY

Name (Print/Type)	<b>Kevin S. Costanza</b>	Registration No. Attorney/Agent	<b>37,801</b>
Signature		Date	<b>May 14, 2004</b>

Customer Number

**00500**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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